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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

FILE:

Office: LOS ANGELES

Date:

SEP 23 2004

IN RE:

Obligor:

Bonded Ali

IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration
and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Pluon

for Robert P. Wiemann, Director
Administrative Appeals Office

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prevent identity and warrant
invasion of personal privacy

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on May 8, 2003, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. An order of the immigration judge (IJ) dated May 5, 2003, was issued granting the alien voluntary departure in lieu of removal on or before July 7, 2003. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On March 29, 2004, the BIA dismissed the appeal and granted the alien voluntary departure within 30 days from the date of the order. On April 26, 2004, the alien filed a motion to reconsider before the BIA. On April 29, 2004, the field office director concluded the bond had been breached.

On appeal, the obligor asserts that the alien has not departed the United States because she has a pending motion to reconsider before the BIA.

The regulations at 8 C.F.R. § 1003.2(f) and § 1003.23(b)(1)(v) provide in part that filing a motion to reopen or a motion to reconsider shall not stay the execution of any decision made in the case. Execution of such decision shall proceed unless a stay of execution is specifically granted by the BIA, the IJ, or an authorized officer of ICE. The record does not reflect that a stay of deportation was granted.

The regulation at 8 C.F.R. § 1240.26(c)(3) provides that in order for the voluntary departure bond to be cancelled, the alien must provide proof of departure to the field office director.

No satisfactory evidence has been introduced into the record to establish the alien made a timely departure. The service of a notice to surrender or the presence of a certified mail receipt is not required in voluntary departure bond proceedings.

Voluntary departure bonds are exacted to ensure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for Immigration and Customs Enforcement (ICE) to function in an orderly manner. After a careful review of the record, it is concluded that the alien failed to depart by the stipulated time, the conditions of the bond have been substantially violated, and the collateral has been forfeited. The decision of the field office director will not be disturbed.

ORDER: The appeal is dismissed.